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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

24/Reg. Hearing
X 03-24-94
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ATTORNEY DOCKET NO. 16781/276/BEDL

In re patent application of
Daniel CAPUT et al.

Examiner: D. Schmickel

Serial No.: 07/920,519

Group Art Unit: 1814

Filed: July 28, 1992

For: URATE OXIDASE ACTIVITY PROTEIN, RECOMBINANT GENE
CODING THEREFOR, EXPRESSION VECTOR, MICROORGANISMS
AND TRANSFORMED CELLS

REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.116

Hon. Commissioner of
Patents and Trademarks
Washington D.C. 20231

Sir:

This is in response to the Advisory Action mailed February 28, 1994. Because applicants filed a Notice of Appeal on February 10, 1994, no additional fees are due at this time.

REMARKS

At the request of applicants, Examiner Schmickel kindly contacted the undersigned after reviewing applicants' last response, filed February 10, 1994. Examiner Schmickel stated that the response had been considered but was deemed insufficient to overcome the rejections under §103 over Laboureur, Reddy and Riggs or Neilsen, in further view of Janson Mannson-Rahemtulla, Nakagawa or Berton.

During the interview, it became apparent that Examiner's Schmickel's primary concern was the lack of evidence on the record regarding the inapplicability of the Reddy method to A. flavus material. Applicants had not previously perceived this to be a critical point, but instead had focussed their efforts on an explication of the novel and nonobvious aspects of the purification methods which resulted in the present invention.

Examiner Schmickel kindly offered to accept a declaration from the inventors on supporting their contention that Reddy's